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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/022,916	12/20/2001	Masaya Nagata	1248-0571P-SP	. 2105
2292 7590 05/10/2007 BIRCH STEWART KOLASCH & BIRCH			EXAMINER .	
PO BOX 747			BILGRAMI, ASGHAR H	
FALLS CHURCH, VA 22040-0747			ART UNIT ·	PAPER NUMBER
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			NOTIFICATION DATE	DELIVERY MODE
			05/10/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary Examiner		Application No.	Applicant(s)					
Asghar Bilgrami - The MAILING DATE of this communication appears on the cover sheet with the correspondence address - Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions of union may be available used the provision of 3 CFR 1.13(6), fin or event, however, may a reply be timely find if the period for reply is specified above, the enxitinum statutory served will apply and will explay SX (8) MONTHS from the mailing date of this communication. Failus to pray within his stor or extended period for reply is bratisher, assent an explication to be mailing date of this communication. Failus to pray within his stor ore dended period for reply will by statute, exame and abstractions. Status 1) S Responsive to communication(s) filed on 12 February 2007. 2a	Office Assistant Commencer	10/022,916	NAGATA, MASAYA					
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WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the provisions of 37 CPR 1.18(6). In overent, nower, may a reply be time/filled after SIX (6) MONTHS from the mailing date of this communications of 37 CPR 1.18(6). In overent, nower, may a reply be time/filled of this communication. Falluse to not ply which the set or restanded persod for reply will, by statute, cause the application to become ARANDANDE (38 U.S. C. 1330). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any seamed patter them adjustment. Set 37 CPR 1.704(6). Status 1) □ Responsive to communication(s) filed on 12 February 2007. 2a) □ This action is FINAL. 2b) □ This action is non-final. 3) □ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4 □ Claim(s) 1 and 3-25 Is/are pending in the application. 4a) Of the above claim(s) 1 is/are withdrawn from consideration. 5 □ Claim(s) 1 is/are allowed. 6 □ Claim(s) 1 is/are allowed. 6 □ Claim(s) 1 is/are objected to. 8 □ Claim(s) 1 is/are objected to. 9 □ The specification is objected to by the Examiner. 10 □ The drawing(s) filed on 20 December 2001 is/are: a) □ accepted or b) □ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. Set 37 CFR 1.85(e). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. 1 □ Charled Copies of the priority documents have been received in this National Stage application from the International Bureau for international Bureau for the provisional Patent Application No. □ 1 □ Certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCTO-948) 1 □ Notice of Pratspe		ears on the cover sheet with the c	orrespondence address					
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Application/Control Number: 10/022,916 Page 2

Art Unit: 2143

DETAILED ACTION

Election/Restrictions

- In light of the amendments and explanation by the applicant on 12 February
 Examiner submits the following written restriction.
- Restriction to one of the following inventions is required under 35 U.S.C 121:
 I. Claims 1-3, 5, 12, 13, 14, 17, 18, 19 and 22-24 draws to the notification and promotion processing based on a threshold, classified in class 709, subclass 207.
 - II. Claims 6-8, 9-11, 15, 16, 20, 21 and 25 draws towards updating management file which records usage conditions of functions, classified in class 709, subclass 223.
- 3. The inventions are distinct from each other because notification and promotion processing based on threshold does not rely on a method of updating management file which records usage conditions of functions.
- 4. Inventions I & II are related as combination and subcombination. Inventions are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombinations as claimed for patentability, and (2) that the subcombination has the utility by itself or in other combinations (MPEP § 806.05(c)). In the instance case, the combination as claimed does not require the particulars of the subcombination as claimed because notification and promotion processing based on threshold does not rely on a method of updating management file which records usage conditions of functions.
- 5. Because the inventions are distinct for the reasons given above and search required for Group I is not required for Group II, restriction for examination purposes as

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indicated is proper. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement is traversed (37 CFR 1.143).

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Asghar Bilgrami whose telephone number is 571-272-3907. The examiner can normally be reached on 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on 571-272-3924. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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